

DT12 Rec'd PCT/PTO 29 DEC 2004

PATENT
Attorney Docket No. 53262-20099.00

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Group Art Unit: To Be Assigned
Mariette ANDERSSON et al. Examiner: To Be Assigned
U.S. Application No.: To Be Assigned U.S. Filing Date: December 29, 2004
PCT Application No.: PCT/EP2003/007085 Int'l Filing Date: July 3, 2003
Title: **USE OF AHAS MUTANT GENES AS SELECTION MARKER IN POTATO
TRANSFORMATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, applicants submit for consideration the documents listed on the attached Form PTO SB/08a/b. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98(a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of these references are not submitted. However, applicants submit herewith copies of all foreign references and non-patent literature. The Examiner is requested to make these documents of record.

Attached documents numbered 4, 8-10, 12 and 15 on the Form PTO SB/08a/b were cited in an International Search Report, mail dated November 12, 2003, of the corresponding International Application No. PCT/EP2003/007085, a copy of which is enclosed.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search
va-88468

DT12 Rec'd PCT/PTO 29 DEC 2004

Attorney Docket No. 53262-20095.00

has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Consideration of the foregoing plus the prompt return of a copy of the enclosed PTO Form SB/08a/b with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

This Information Disclosure Statement is being submitted with the filing of this application; accordingly, no fee is required. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 03-1952.

Respectfully submitted,

MORRISON & FOERSTER LLP

Dated: December 29, 2004

By:

James Remenick
Registration No. 36,902

Customer Number 25227
Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22102
(703) 760-7700 (telephone)
(703) 760-7777 (facsimile)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	To Be Assigned
				Filing Date	December 29, 2004
				First Named Inventor	Mariette Andersson et al.
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	1	of	1	Attorney Docket Number	53262-20099.00

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	5,013,659	05/07/1991	Bedbrook et al.	
	2.	5,141,870	08/25/1992	Bedbrook et al.	
	3.	5,378,824	01/03/1995	Bedbrook et al.	
	4.	5,767,366	06/16/1998	Sathasivan et al.	
	5.	5,853,973	12/29/1998	Kakefuda et al.	
	6.	5,928,937	07/27/1999	Kakefuda et al.	
	7.	6,225,105 B1	05/01/2001	Sathasivan et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	8.	WO 92/11375	07/09/1992	Amylogene HB		
	9.	WO 92/11376	07/09/1992	Amylogene HB		
	10.	WO 96/33270	10/24/1996	American Cyanamid Company		
	11.	WO 00/26390	05/11/2000	American Cyanamid Company		
	12.	WO 01/82685 A1	11/08/2001	American Cyanamid Company		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	13.	Duggleby, Ronald G., et al., "Acetohydroxyacid Synthase," <i>Journal of Biochemistry and Molecular Biology</i> ," 33(1) :1-36 (2000).		
	14.	Libiakova, G., et al., "Efficacy of an Intron-containing Kanamycin Resistance Gene as a Selectable Marker in Plant Transformation," <i>Plant Cell Rep.</i> , 20 :610-615 (2001).		
	15.	Storozhenko, S.V., et al., "Isolation of the Transgenic Potato Plants Expressing the Mutant Gene Coding for Acetolactate Synthase from Arabidopsis Thaliana," <i>Biopolimery I Kletka</i> , 10(1) :67-71 (1994). (English Translation)		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

VA-88467